

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

TOMMY L. JACKSON

PLAINTIFF

v.

CIVIL ACTION NO. 3:13-cv-770-CWR-FKB

JOHNNIE DENMARK

DEFENDANT

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The above-styled matter is before the Court on the Report and Recommendation of Magistrate Judge F. Keith Ball [Docket No. 10], concerning the Defendant's Motion to Dismiss [Docket No. 6], Plaintiff's Motion for Discovery [Docket No. 7], and Plaintiff's Motion to Amend Petition for Writ of Mandamus [Docket No. 9]. On August 8, 2014, the Magistrate Judge recommended that Defendant's Motion to Dismiss be granted, that Plaintiff's current petition be dismissed without prejudice for failure to exhaust, and that Plaintiff's Motion for Discovery and Motion to Amend be denied. Further, pursuant to 28 U.S.C. § 636, the Magistrate Judge commanded the parties to lodge any objections to his recommendation within 14 days after being served with a copy. [Docket No. 10, at 4]. That period has expired, and neither party has voiced an objection.

The findings of fact and conclusions of law contained within the Report and Recommendation are, therefore, adopted fully herein by reference. The Defendant's Motion to Dismiss is granted, and the Plaintiff's Motion for Discovery and Motion to Amend are denied. A Final Judgment will be entered in accordance with this Order.

SO ORDERED, this the 27th day of August, 2014.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE